

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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A.G. and L.G., etc.,

Plaintiffs,

-against-

08 Civ. 1576 (LAK)

NEW YORK CITY DEPARTMENT OF HEALTH &
MENTAL HYGIENE,

Defendant.
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ORDER

LEWIS A. KAPLAN, *District Judge*.

By order dated April 15, 2008, the Court directed plaintiffs to show cause why an order should not be entered (1) requiring that the complaint and the caption be amended so as to set forth the names of all of the parties in accordance with Fed. R. Civ. P. 10(a), and (2) dismissing the action as against the New York City Department of Health & Mental Hygiene on the ground that it is not a suable entity. *See, e.g., Ximines v. New York City Department of Education*, 516 F.3d 156 (2d Cir. 2008) (City departments not suable entities); *S.R. v. Board of Education of the City School District of New York*, No. 08 Civ. 1035(LAK), 2008 WL 538447 (S.D.N.Y. Feb. 25, 2008) (requiring identification of plaintiffs by name). Plaintiffs concede that the New York City Department of Health and Mental Hygiene is not a suable and seek leave to amend to add a proper defendant or defendants. They have persuaded the Court, however, that it should not require identification of the plaintiffs in the caption in consequence of personal privacy concerns.

Accordingly, the action is dismissed as against the New York City Department of Health & Mental Hygiene. Plaintiffs may file an amended complaint, on or before May 12, 2008, naming a proper defendant or defendants. Unless the Court otherwise orders following the appearance of a proper defendant or defendants, who will be free to urge a different result, plaintiffs may be identified in the caption by their initials *provided* that plaintiffs serve upon the defendant(s) ultimately added and file under seal a notice identifying the plaintiffs by their full names.

SO ORDERED.

Dated: April 28, 2008



Lewis A. Kaplan
United States District Judge